

By Express Mail # EV427338084US · October 6, 2004

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

- 1.-6. (canceled)
7. (new) A damping device for damping acoustic vibrations in rails having a recess, the damping device comprising a recess-filling body adapted to fill the recess of the rail, said recess-filling body comprising one of an extruded and injection molded body material including a thermoplastic material with metal components distributed therein, wherein the density of said body material is greater than  $2.4 \text{ g/cm}^3$ .
8. (new) The damping device of claim 7, wherein said density of said body material is in the range  $2.5\text{-}3.9 \text{ g/cm}^3$ .
9. (new) The damping device of claim 7, wherein said density of said body material is in the range  $2.9\text{-}3.5 \text{ g/cm}^3$ .
10. (new) The damping device of claim 7, wherein said thermoplastic material is one of the group consisting of polyethylene and polypropylene.
11. (new) The damping device of claim 7, wherein said metal components comprise at least one of hematite and magnetite and comprise 35-70% volume of said body material.
12. (new) The damping device of claim 7, wherein said metal components comprise roll scale.

13. (new) A combination including a rail and a damping device, said rail having a recess, said damping device comprising a recess-filling body adapted to fill the recess of the rail, said recess-filling body comprising one of an extruded and injection molded body material including a thermoplastic material with metal components distributed therein, wherein the density of said body material is greater than  $2.4 \text{ g/cm}^3$ , said recess filling body being received in said recess and connected to said rail by at least one of a permanently free flowing intermediate layer and a metal clip.

14. (new) The combination of claim 13, wherein said recess comprises a fishplate recess on said rail.

15. (new) The combination of claim 13, wherein said density of said body material is in the range  $2.5\text{-}3.9 \text{ g/cm}^3$ .

16. (new) The combination of claim 13, wherein said density of said body material is in the range  $2.9\text{-}3.5 \text{ g/cm}^3$ .

17. (new) The combination of claim 13, wherein said thermoplastic material is one of the group consisting of polyethylene and polypropylene.

18. (new) The combination of claim 13, wherein said metal components comprise at least one of hematite and magnetite and comprise 35-70% volume of said body material.

19. (new) The combination of claim 13, wherein said metal components comprise roll scale.